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June 29, 2023

Honorable Jessica S. Allen, U.S.M.J.  
U.S. District Court, District of New Jersey  
Martin Luther King Building & U.S.  
Courthouse  
50 Walnut Street  
Newark, NJ 0701

Re: Saleh v Udemy, Inc.;  
Civ. Action No. 2:23-cv-02207-JXN-JSA

Dear Judge Allen:

We represent Udemy, Inc., the Defendant in the matter listed in the subject line. An Initial Scheduling Conference is currently scheduled for July 13, 2023. For the reasons listed below, Udemy believes it does not make sense to move forward with the conference at this time, but writes to seek the Court's guidance.

Udemy raised its arbitration agreement in its answer/affirmative defenses in this matter, see ECF 16 at 6–7 (response to jury demand) and 8 (first defense). It did not move to compel arbitration at that time because Mohamed Saleh is a common name and it lacked the information necessary to determine the Plaintiff's identity among its user base. Subsequently, Udemy's counsel communicated with Plaintiff's counsel, who provided Udemy with Plaintiff's email address. This allowed Udemy to determine when and how Plaintiff registered for its website, which in turn has led it to conclude that he is subject to Udemy's arbitration agreement. Udemy's counsel has raised this point with Plaintiff's counsel, who has indicated that Plaintiff will not agree to arbitrate now and will oppose any motion to compel arbitration.

Udemy believes it would be appropriate to resolve the threshold question of arbitration first. To that end, Udemy has proposed to opposing counsel that Plaintiff stipulate to continuing all current initial scheduling deadlines and the Initial Scheduling Conference, that Udemy file a motion to compel arbitration, and that Plaintiff respond in the ordinary course. To keep the case moving, Udemy will commit to filing its motion by July 13, the day the Initial Scheduling Conference is currently set for. Plaintiff's counsel has indicated that he will not agree to such a stipulation. Udemy therefore writes to request that the Court reset the schedule as described above, or in the alternative, that the court schedule a brief telephone conference so that the parties and the Court may determine the most efficient way to proceed.

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 COLE SCHOTZ P.C.

Magistrate Judge Allen  
June 29, 2023  
Page 2

Thank you for your consideration of this matter.

Respectfully yours,

COLE SCHOTZ P.C.

*/s/ Jamie P. Clare*

Jamie P. Clare

JPC:ml

Cc: All Counsel of Record (via ECF)